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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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AMERICA WEST BANK MEMBERS, L.C.,

Plaintiff,

v.

THE STATE OF UTAH, et al.,

Defendants.

**MEMORANDUM DECISION AND  
ORDER GRANTING  
MOTION TO LIFT STAY AND  
IMPOSING POST-JUDGMENT  
INTEREST**

Case No. 2:16-cv-326

Judge Clark Waddoups

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This matter is before the court on a Motion to Lift Stay filed by Defendants the State of Utah, the Utah Department of Financial Institutions, and G. Edward Leary (collectively the “State Defendants”). On June 22, 2023, the court entered judgment against Plaintiff America West Bank Members, L.C., which Judgment contained no monetary award. *See* Judgment (ECF No. 354). On February 13, 2024, however, costs were taxed in the amount of \$19,545.43 and “included in the Judgment.” Taxation of Costs, at 4 (ECF No. 369).<sup>1</sup>

America West then moved to stay enforcement of costs, which the court granted on June 24, 2024.<sup>2</sup> Order, at 1 (ECF No. 382). Most recently, the court ordered that “the stay shall remain effective until **Friday, May 29, 2026**, or until such other date as the court orders based on the

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<sup>1</sup> When citing to the record, pincite references refer to the ECF page numbering at the top of the page.

<sup>2</sup> America West provided an Irrevocable Letter of Credit, as a security, which named the Department of Financial Institutions as a beneficiary. Ltr. of Credit, at 6–7 (ECF No. 379). America West has renewed the Letter of Credit as needed. *See* Renewed Ltr. of Credit, at 4–5 (ECF No. 390).

status of America West’s appeal.” Order, at 2 (ECF No. 389) (emphasis in original). On June 16, 2025, the United States Supreme Court denied America West’s “petition for a writ of certiorari.” Order (ECF No. 391). The Supreme Court’s denial concluded America West’s appeals. Accordingly, the court grants the State Defendants’ Motion to Lift Stay (ECF No. 392).

The State Defendants also seek for the court to award post-judgment interest from the date of judgment (*i.e.* June 22, 2023). The State Defendants are correct that they are entitled to post-judgment interest on their cost award because it is considered to be a money judgment. *Wheeler v. John Deere Co.*, 986 F.2d 413, 415 (10th Cir. 1993) (stating “[i]t is clear that interest accrues on an award of costs under 28 U.S.C. § 1961” because it is a “money judgment”). In the Tenth Circuit, however, the accrual date is not always from the date of judgment, “but rather from . . . the date of judgment in which costs were first quantified.” *Id.* (citation omitted).

In this case, the Judgment contained no cost amount. Costs were not quantified until February 13, 2024, when costs were taxed and included in the Judgment. Consequently, post-judgment interest must accrue from February 13, 2024 and not June 22, 2023. According to 28 U.S.C. § 1961(a), post-judgment interest is calculated based on “a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding[] the date of the judgment.” Additionally, interest must “be computed daily to the date of payment . . . , and shall be compounded annually.” 28 U.S.C. § 1961(b).

The United States Southern District of California publicly lists the rates by week. For the week ending on February 9, 2024, the interest rate was 4.84 percent. *See* <https://www.casb.uscourts.gov/post-judgment-interest-rates>. Applying that rate here, accrued


interest for the first year was \$946.00, such that the amount owing on February 13, 2025, was \$20,491.43. For the second year, annual compounded interest is accruing at a rate of \$2.72 per day. The court directs that the rate per day multiplied by the number of days from February 13, 2025, to the date of payment shall be added to \$20,491.43 for the final judgment amount.

**CONCLUSION**

For the reason stated above, the court GRANTS the State Defendants' Motion to Lift Stay (ECF No. 392). The court also awards post-judgment interest in the amount specified above.

DATED this 30<sup>th</sup> day of July, 2025.

BY THE COURT:

  
Clark Waddoups  
United States District Judge